

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
(WESTERN DIVISION)**

ARELY CASTANEDA)	
)	
)	
Plaintiff,)	No.
v.)	
)	
OSMAN ADEN,)	
QFS TRANSPORTATION LLC, and)	JURY TRIAL DEMANDED
PROGRESSIVE CASUALTY)	
INSURANCE COMPANY)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendants QFS Transportation LLC (“QFS”) and Osman Aden (“Aden”), by and through his undersigned counsel, and for his Notice of Removal, states the following:

BACKGROUND

1. On December 8, 2021, Plaintiff Arely Castaneda (“Plaintiff”) filed a Petition in the Circuit Court of Jackson County, State of Missouri, against QFS Transportation and Osman Aden, Case No. 2116-CV26678. A true and accurate copy of the Plaintiff’s Petition is attached hereto as Exhibit A.

2. Plaintiff alleges he is a citizen and resident of the State of Missouri. **Ex. A, ¶ 1.**

3. Plaintiff alleges Aden is a citizen and resident of State of Utah. **Ex. A, ¶ 2.**

4. Plaintiff alleges Defendant QFS Transportation LLC, (“QFS”) is a foreign limited liability company doing business in the State of Missouri with its principal place of business in Indiana. **Ex. A, ¶ 3.**

5. QFS was served on February 8, 2022. The electronic file does not reflect a Return of Service for QFS. Aden has not received service. Progressive Casualty Insurance Company has been served in the state court action. A true and accurate copy of the Return of Service is attached at **Exhibit B**.

VENUE

6. Removal to this Court is appropriate because the state court action is pending in the Circuit Court of Jackson City, Missouri, which is located in the Western District, Western Division's jurisdiction.

TIMELINESS OF REMOVAL

7. This Notice of Removal is timely because it is filed within the 30-day period prescribed by 28 U.S.C. § 1446(b). Specifically, QFS was served on February 8, 2022 and QFS and Aden has now removed the matter within thirty days.

REMOVAL JURISDICTION

8. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, which requires the parties to the controversy to be citizens of different states and the amount in controversy to exceed \$75,000. 28 U.S.C. § 1332(a)(1).

9. As alleged, Plaintiff is a resident of the State of Missouri. **Ex. A, ¶1.**

10. As alleged, Aden is a citizen and resident of the State of Utah and therefore is not a citizen of Missouri. **Ex. A, ¶2**

11. As alleged, QFS is a foreign limited liability company with its principal place of business in Indiana and therefore is not a citizen of the State of Missouri. **Ex. A, ¶3.**

12. Defendant Progressive Casualty Insurance Company is a corporation doing business in the State of Ohio with its principal place of business in Ohio.

13. Therefore, there is complete diversity of citizenship between the parties.

14. Plaintiff has alleged damages in excess of \$25,000 in order to meet state jurisdictional requirements. *See e.g., Bobo v. Levin*, 4:21-cv-00701-RLW, 2021 WL 3128530, *2 (E.D. Mo. July 23, 2021) (Mo. R. Civ. P. 55.19 “prohibits plaintiffs from explicitly stating a dollar amount or figure of claimed damages”). Additionally, Plaintiff has made pre-litigation demands upon Defendants which demonstrate that the amount in controversy plausibly exceeds \$75,000.

15. Based on the allegations in Plaintiff’s Petition (but without making any admission as to the merits thereof) and the pre-filing demands made by Plaintiff upon Defendants, the amount in controversy exceeds \$75,000.

16. Because the diversity requirements of §1332(a)(1) are met and the amount in controversy exceeds \$75,000, this action is removable under §1441(a).

NOTICE PROVIDED TO PLAINTIFF AND STATE COURT

17. Contemporaneously herewith, QFS and Aden has given Plaintiff written notice of the filing of this Notice of Removal.

18. Further, pursuant to 28 U.S.C. §1446(d), QFS and Aden filed a copy of this Notice of Removal with the Clerk of the Circuit Court of Jackson County, Missouri. A true and accurate copy of the same is attached hereto as **Exhibit C**.

19. Also, pursuant to Local Rule 2.03, QFS and Aden files herewith a copy of all process, pleadings, orders, and other documents on file in Case No. 2116-CV26678 in the Circuit Court of Jackson City, Missouri, including a copy of the docket sheet, as **Exhibit D**.

20. All requirements and conditions precedent for removal to the Western District of Missouri have been met.

WHEREFORE, Defendants QFS Transportation and Osman Aden respectfully requests that the above entitled action now pending in the Circuit Court of Jackson County, State of Missouri, be removed therefrom to this Court.

Respectfully submitted,

SMITHAMUNDSEN LLC

/s/ Richard D. McNelley

Richard D. McNelley, #54102 MO

120 S. Central Avenue, Suite 700

St. Louis, Missouri 63105

(314) 719-3747 – Phone

(314) 719-3741 – Fax

rmcnelley@salawus.com

ATTORNEY FOR DEFENDANTS OSMAN

ADEN AND QFS TRANSPORTATION LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was electronically filed with the United States District Court, Western District of Missouri, via the Court's CM/ECF Filing system, which will send notification of such filing to counsel of record, on March 10, 2022.

/s/ Richard D. McNelley